



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Mr. James E. Sothen  
Director, Engineering Division  
WVDOT - Division of Highways  
State Capitol Complex Building Five  
Charleston, WV 25305

Re: Final Environmental Impact Statement  
King Coal Highway

Dear Mr. Sothen:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Clean Water Act Section 404, EPA has reviewed the Final Environmental Impact Statement (EIS) for the above referenced project. Based on our review, we continue to have concerns with the potential impacts to streams, wetlands, and community resources, and the broad level of environmental impact information provided for the 96 mile, 1000 foot wide transportation corridor. These concerns as outlined in detail in our letter on the Draft EIS.

### **Level of Environmental Analysis**

EPA recognizes that the level of detail provided on the potential environmental impacts of the project was limited by the length of the proposed transportation corridor. We suggest that coordination between the West Virginia Department of Highways, the Federal and State environmental agencies, and the public continue during the preliminary and final design of the project. In addition, we suggest that additional NEPA documentation be prepared if significant issues arise during the design process.

### **Aquatic Resources**

As proposed the Preferred Alternative potentially impacts 25 miles of stream corridor. We recognize that the stream mileage impacted will be reduced by the narrowing of the study corridor from 1000' to an approximate 350' right-of-way. However, given the length of this project, we suggest that all efforts to avoid the relocation, enclosure, or filling of streams be undertaken.

In addition to avoidance of impacts to stream systems, we suggest that efforts to avoid and minimize impacts to wetlands be incorporated into the design of the proposed project. A discussion of the efforts to avoid and minimize wetland impacts should be provided for the Section 404 permit evaluation. Compensatory mitigation should be developed through coordination with environmental agencies.

## **Terrestrial Resources**

The proposed alternative has the potential to impact over 9000 acres of forest habitat. We strongly suggest that you prepare a compensation plan for the replacement, enhancement or preservation of forest habitat in the region. From information provided in the Draft EIS, many previously strip mined areas could be targeted re-vegetation activities. In addition, high quality forested habitat threatened by development or mining could be acquired as compensation for the impacts of the proposed facility. This compensation, which can be funded with federal transportation funds, should be outlined in the Final EIS and in a natural resources compensation plan.

## **Natural Resources Compensation Plan and Tracking of Mitigation Commitments**

We suggest that a plan for the compensation of all natural resources be prepared for the entire 96 mile corridor. This plan should include specific activities that will be taken to compensate or mitigate for the impacts of the highway. Efforts should consider integrating stream, wetland, and terrestrial mitigation in a manner which enhances the wildlife value of all the resources. This compensation plan will allow for the tracking of mitigation commitments.

In addition to compensatory mitigation, any commitments made to avoid or minimize impacts to natural resources such as streams or wetlands should be identified and tracked through the final design and construction processes. We suggest the use of a mitigation tracking system like the one utilized on the Mon Fayette Transportation Project in Pennsylvania.

Thank you for providing EPA with the opportunity to comment on this project. We look forward to working with you in the future to address our concerns. If you have any questions regarding our concerns, please contact Ms. Denise M. Rigney at (215) 814-2726.

Sincerely

Thomas Slenkamp, Deputy Director  
Office of Environmental Programs